

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Quality Control Plating, Inc.
4425 East Airport Drive
Ontario, California 91761

EPA ID No. CAR 000 114 132

Respondent.

Docket HWCA: 20030323

CONSENT ORDER

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control (Department) and Quality Control Plating, Inc. (Respondent) enter into this Consent Order and agree as follows:

1. Respondent generates and treats hazardous waste at 4425 East Airport Drive, Ontario, California 91761 (Site).
2. The Department inspected the Site on March 13, 2002.
3. The Department alleges the following violations:
 - 3.1. The Respondent violated Health and Safety Code section 25201 in that on or about March 13, 2002, Respondent treated used oil from cleaning operations (at pH 13-14) with sulphuric acid without a grant of authorization from the Department.
 - 3.2. The Respondent violated California Code of Regulations (Cal. Code Regs.), title 22, section 66262.41 in that on or about March 13, 2002, Respondent failed to submit the biennial report for 1999.

3.3. The Respondent violated Cal. Code Regs., tit. 22, § 67450.3, subd. (c)(8)(C) and section 66265.16 made applicable to generators by section 66262.34, subsection (a)(4) in that on or about March 13, 2002, Respondent failed to have written training documents specific to the job for employees handling hazardous waste.

3.4 The Respondent violated Cal. Code Regs., tit. 22, § 67450.3, subd. (9)(A) and section 66265.16 made applicable to generators by section 66262.34, subsection (a)(4) in that on or about March 13, 2002, Respondent failed to provide training to its employees handling hazardous waste.

3.5. The Respondent violated Cal. Code Regs., tit. 22, § 67450.3, subd. (c)(9)(F) and section 66265.195(c) made applicable to generators by section 66262.34, subsection (a)(1) in that on or about March 13, 2002, Respondent failed to have a written inspection schedule to conduct daily inspections for two waste accumulation tanks containing hazardous waste and one treatment tank.

3.6. The Respondent violated Cal. Code Regs., tit. 22, § 67450.3, subd. (c)(9)(A) and section 66265.13, in that on or about March 13, 2002, Respondent failed to have waste analysis records on file.

3.7. The Respondent violated Cal. Code Regs., tit. 22, § 67450.3, subd. (c)(9)(F) and section 66265.191, subsection (e)(1) made applicable to generators by section 66262.34, subsection (a)(1) in that on or about March 13, 2002, Respondent failed to have a tank assessment conducted by January 24, 1998 and certified by an independent, qualified, professional engineer (P.E.), registered in California in accordance with Cal. Code Regs., tit. 22, § 66270.11(d), that attests to the tank system integrity of the Permit by Rule (PBR) treatment tanks and the two waste accumulation tanks.

4. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

5. Jurisdiction exists pursuant to Health and Safety Code section 25187.

6. Respondent waives any right to a hearing in this matter.

7. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

8. Respondent admits the violations described above.

SCHEDULE FOR COMPLIANCE

9.1 The violations have been corrected.

9.2. Submittals: All submittals from Respondent pursuant to this Consent Order shall be sent to:

Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

9.3. Communications: All approvals and decisions of the Department made regarding such submittals and notifications shall be communicated to Respondent in writing by a Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of its obligation to obtain such formal approvals as may be required.

9.4. Department Review and Approval: If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Consent Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may return the document to Respondent with

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recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

9.5. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

9.6. Liability: Nothing in this Consent Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

9.7. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 12.3, in carrying out activities pursuant to this Consent Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Consent Order.

9.8. Incorporation of Plans and Reports: All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Consent Order are incorporated in this Consent Order upon approval by the Department.

9.9. Extension Requests: If Respondent is unable to perform any activity or submit any document within the time required under this Consent Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

9.10. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

PAYMENTS

10. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department a total of \$11,500, of which \$8235.38 is a penalty and \$3,264.62 is reimbursement of the Department's costs. The payments shall be paid in twelve (12) monthly installments with the first installment in the amount of \$1050 and the remaining eleven (11) installments in the amount of \$950 each. The twelve monthly installments are due and payable as follows: on August 15, 2004; September 15, 2004; October 15, 2004; November 15, 2004; December 15, 2004; January 15, 2005; February 15, 2005; March 15, 2005; April 15, 2005; May 15, 2005; June 15, 2005; and July 15, 2005. Any installment payment that is received by the Department more than 15 days after it is due will be subject to a \$250 penalty, such penalty shall be paid by Respondent no later than the due date of the next installment payment. If Respondent is late in making two (2) or more payments, or fails to make a full installment payment within thirty (30) days of its due date, then the Department, at its option, may declare the entire balance of the outstanding penalty due and owing. If Respondent fails to make any payment timely as provided above, Respondent agrees to pay interest thereon at the rate established pursuant to Health and Safety Code section 25360.1. Respondent further agrees to pay all costs and attorneys fees incurred by the Department in pursuing the collection of any sums the payment of which becomes delinquent hereunder. Respondent's check shall be made payable to

Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent:

To: Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

To: Debra Schwartz, Staff Counsel
Office of Legal Counsel and Investigations
Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California 91201

OTHER PROVISIONS

11.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

11.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

11.3. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees,

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contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

11.4. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

11.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

11.6. Compliance with Waste Discharge Requirements: Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

Dated: August 10, 2004

original signed by Mona Singh

Mona Singh, President
Quality Control Plating, Inc.

Dated: August 17, 2004

original signed by Charles A. McLaughlin

Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control